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September 19, 2023

Hon. Edgardo Ramos
United States District Court
40 Foley Square
New York, N.Y. 10007
via ECF

Re: *United States v. Jonathan Ghertler*,
23 Cr. 100 (ER)

Your Honor:

Please accept this second supplemental sentencing letter on behalf of Jonathan Ghertler who is currently scheduled for sentencing on September 27, 2023. I write to further address the applicability of the amendment to U.S.S.G. §4A1.1(d) that eliminates status points for qualifying defendants. As the Court is undoubtedly aware, the Commission has voted to apply the amendment retroactively.

The retroactivity of the amendment is a further reason for the Court to start the determination of Mr. Ghertler's sentence at 78-97 months rather than the 92-115 months anticipated by his plea agreement.¹ While the guideline amendments will not be effective until November 1, 2023, the Commission has decided that the retroactive amendments will go into effect on February 1, 2023. Applying the lower range at Mr. Ghertler's sentencing will avoid the need for a reduction request after February 1, 2024.

I understand that the government, by Adam Sowlati, Esq., does not object to this request.

Respectfully,
Lisa Scolari
Lisa Scolari

¹ Mr. Ghertler's guideline range comprises a criminal history score of 8, which put him in Criminal History Category IV. Two of those points are "status" points assessed because Mr. Ghertler was on supervised release at the time he engaged in the instant conduct. U.S.S.G. §4A1.1(d) However, an amendment to that section of the guidelines due to go into effect on November 1, 2023, eliminates status points for those who have six or fewer criminal history points. (Exhibit A) Apart from the two status points, Mr. Ghertler has six points and thus qualifies for the elimination of those points. Without the status points, Mr. Ghertler's CH category score drops from IV to III and, at an adjusted base offense level of 26, his range goes down to 78-97months.